

Greg Caffas

From: Greg Caffas
Sent: Thursday, October 6, 2022 4:49 PM
To: Patrick Peluso
Cc: Taylor Smith; Joe Bowser; Mitchell Roth; Sofia Medina
Subject: RE: Smith v. SunPath - Chukran Management Deposition

Follow Up Flag: Copied to Worldox (Client Files\2834\017\01466657.MSG)

Pat,

In light of this Court's stance on discovery, and considering potential snags we saw with your proposed schedule (and the existing one) presented by concurrent expert discovery and class cert briefing, we propose the amended schedule listed below. The new fact discovery cutoff should still give the necessary time to take the third-party deposition, while moving things forward to address any concern the Court may have as to undue delays. And splitting out the expert discovery should allow for realistic opportunities to address expert reports as needed prior to class certification briefing, while providing leeway for holiday schedules.

11/15/22 – Fact Discovery Cutoff
11/30 – Plaintiff's Expert Disclosure
12/21 – Defendant's Expert Disclosure
[Defendant expert deposition 1/5-1/23]
1/20/23 – Plaintiff's Rebuttal Expert Disclosure
[Plaintiff's expert deposition 1/26-2/3/23]
2/10 – Plaintiff's Motion for Class Certification
3/3 – Defendant's Opposition to Motion for Class Certification
3/17 – Plaintiff's Reply in Support of Motion for Class Certification
Final pretrial - TBD

Happy to discuss further if necessary.

Thanks,
Greg

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From: Patrick Peluso <ppeluso@woodrowpeluso.com>
Sent: Wednesday, October 5, 2022 5:19 PM
To: Greg Caffas <gcaffas@rothjackson.com>
Cc: Taylor Smith <tsmith@woodrowpeluso.com>; Joe Bowser <jbowser@rothjackson.com>; Mitchell Roth <mrroth@rothjackson.com>; Sofia Medina <smedina@rothjackson.com>
Subject: Re: Smith v. SunPath - Chukran Management Deposition

Greg,

We're not sure what's causing the delay, either, other than the deponent's representations about his availability. But this third party is an important source of information in this case and we believe this clearly satisfies "good cause". If you disagree, that's ok and we can note that your client doesn't consent to the motion to extend the deadlines a modest 60 days.

Best,
Pat

On Wed, Oct 5, 2022 at 3:11 PM Greg Caffas <gcaffas@rothjackson.com> wrote:

Taylor,

We'll run this by our client to confirm, but we do not believe that a single non-party deposition warrants the blanket 60 day extension of deadlines as I mentioned yesterday. Additionally, your extension doesn't address the deadline to file dispositive motions. Can we assume that that would also be moved from 12/19 to 2/17 as well? If you're in a rush to file in the meantime, you can represent that the parties have conferred and defendant does not consent to the proposed change in the discovery schedule.

As I also mentioned yesterday, I'm hesitant to sign on to any request for an extension in this Court absent good cause, especially considering it's unclear what may be causing any delay in arranging the deposition.

Thanks,
Greg

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From: Taylor Smith <tsmith@woodrowpeluso.com>
Sent: Wednesday, October 5, 2022 2:51 PM
To: Greg Caffas <gcaffas@rothjackson.com>
Cc: Patrick Peluso <ppeluso@woodrowpeluso.com>; Joe Bowser <jbowser@rothjackson.com>; Mitchell Roth <mroth@rothjackson.com>; Sofia Medina <smedina@rothjackson.com>
Subject: Re: Smith v. SunPath - Chukran Management Deposition

Greg,

The proposal would include extending the existing deadlines by 60-days and asking the Court to set a briefing schedule for class certification. Below are the proposed deadlines.

- Discovery Cut-Off: February 10, 2022;
- Plaintiff's Expert Disclosure: December 9, 2022;
- Defendant's Expert Disclosure: January 6, 2023;
- Rebuttal Expert Disclosures: January 27, 2023;
- Plaintiff to file Motion for Class Certification: January 13, 2023;
- Defendant to file Opposition to Class Certification: February 3, 2023;
- Plaintiff to file Reply ISO Class Certification: February 17, 2023; and
- Final Pretrial Conference: To be set after a ruling on class certification.

Best,
Taylor

On Tue, Oct 4, 2022 at 1:53 PM Patrick Peluso <ppeluso@woodrowpeluso.com> wrote:

Understood, Greg. Yes, we'd be proposing just kicking everything back 2 months, not just that particular deadline. Taylor can send over a list of new proposed dates with that broad extension in mind.

On Tue, Oct 4, 2022 at 1:52 PM Greg Caffas <gcaffas@rothjackson.com> wrote:

Pat,

Before we can give any kind of useful answer, would you be able to send an example of the new proposed deadlines compared with the ones we included in the joint discovery plan?

A two month extension would put the close of discovery well after expert and class cert. deadlines, so we have a difficult time agreeing to that shift given just one non-party deposition as the hold up. And if you're referring to more of a blanket extension of pre-trial deadlines, including class cert. and expert deadlines, we'd like to get a better idea of the new proposed deadlines first.

Apologies for complicating the meet and confer process—we would just like to exercise an abundance of caution before agreeing to any motion for an extension given this Court's policies on the issue.

Thanks,

Greg

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From: Patrick Peluso <ppeluso@woodrowpeluso.com>
Sent: Tuesday, October 4, 2022 12:40 PM
To: Greg Caffas <gcaffas@rothjackson.com>
Cc: (WOODROW) Taylor Smith <tsmith@woodrowpeluso.com>; Joe Bowser <jbowser@rothjackson.com>; Mitchell Roth <mroth@rothjackson.com>; Sofia Medina <smedina@rothjackson.com>
Subject: Re: Smith v. SunPath - Chukran Management Deposition

We were thinking a 2 month extension, so February 9th or thereabouts.

On Tue, Oct 4, 2022, 9:47 AM Greg Caffas <gcaffas@rothjackson.com> wrote:

Pat,

What would be the new proposed discovery deadline?

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From: Patrick Peluso <ppeluso@woodrowpeluso.com>
Sent: Tuesday, October 4, 2022 11:05 AM
To: Greg Caffas <gcaffas@rothjackson.com>
Cc: (WOODROW) Taylor Smith <tsmith@woodrowpeluso.com>; Joe Bowser <jbowser@rothjackson.com>; Mitchell Roth <mroth@rothjackson.com>; Sofia Medina <smedina@rothjackson.com>
Subject: Re: Smith v. SunPath - Chukran Management Deposition

Hi Greg,

He told us he's not available until November, which is hard to believe but what he said. We're going to move for more time in discovery based on that representation. Do you oppose?

On Tue, Oct 4, 2022, 7:51 AM Greg Caffas <gcaffas@rothjackson.com> wrote:

Pat,

Turns out I have a conflict the morning of 10/7. Any updates on the schedule for the Chukran deposition?

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From: Greg Caffas
Sent: Tuesday, September 27, 2022 4:14 PM
To: Patrick Peluso <ppeluso@woodrowpeluso.com>
Cc: (WOODROW) Taylor Smith <tsmith@woodrowpeluso.com>; Joe Bowser <jbowser@rothjackson.com>; Mitchell Roth <mroth@rothjackson.com>; Sofia Medina <smedina@rothjackson.com>
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Thanks for the update, we'll set those dates aside and stand by for confirmation.

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From: Patrick Peluso <ppeluso@woodrowpeluso.com>
Sent: Tuesday, September 27, 2022 1:45 PM
To: Greg Caffas <gcaffas@rothjackson.com>
Cc: (WOODROW) Taylor Smith <tsmith@woodrowpeluso.com>; Joe Bowser <jbowser@rothjackson.com>; Mitchell Roth <mroth@rothjackson.com>; Sofia Medina <smedina@rothjackson.com>
Subject: Re: Smith v. SunPath - Chukran Management Deposition

We'll keep you posted, that was a placeholder. Trying to schedule 10/6 or 10/7 with him. I'll do it via zoom

On Tue, Sep 27, 2022, 11:44 AM Greg Caffas <gcaffas@rothjackson.com> wrote:

Pat,

We've had no confirmation that Chukran Management's deposition noticed for tomorrow is set to proceed, and with a hurricane about to touch down in Florida, I imagine it certainly won't be happening now. Do you have any update on where and when that deposition will be taking place?

Thanks,
Greg

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